

CHAPTER 13
CONSENT FOR THE SALE OF GOODS AND SERVICES

621—13.1(68B) General prohibition. An official shall not sell, either directly or indirectly, any goods or services to individuals or entities subject to the regulatory authority of the agency without obtaining written consent as provided in this chapter.

621—13.2(68B) Definitions.

“*Agency*” means the public employment relations board.

“*Compensation*” means any money, thing of value, or financial benefit conferred in return for goods or services rendered or to be rendered.

“*Official*” means the chairperson and members of the public employment relations board. Where the term “official” is used in this chapter, it includes a firm in which any of those persons is a partner and a corporation of which any of those persons hold 10 percent or more of the stock, either directly or indirectly, and the spouse and minor children of any of those persons.

“*Sale of goods or services*” means the receipt of compensation by an official for providing goods or services. For purposes of this chapter, the term does not include outside employment activities which constitute an employer-employee relationship.

621—13.3(68B) Conditions for consent. Consent to a sale of goods or services shall not be given unless all of the following conditions are met:

1. The official’s job duties or functions are not related to the agency’s regulatory authority over the individual or entity, or the selling of the good or service does not affect the official’s job duties or functions.
2. The selling of the good or service does not include acting as an advocate on behalf of the individual or entity to the agency.
3. The selling of the good or service does not result in the official selling a good or service to the agency on behalf of the individual or entity.
4. The selling of the good or service does not reasonably appear to create a conflict of interest, a situation where the official’s neutrality in the performance of the official’s employment duties might thereafter be reasonably questioned, or the appearance of any other impropriety.

621—13.4(68B) Application for consent. An application for consent must be in writing and signed by the official seeking consent. The application must be filed with the agency at least 20 calendar days in advance of the proposed sale of goods or services. An application shall not be deemed filed until all of the following information has been provided:

1. A description of the goods or services proposed to be sold.
2. The identity of the prospective recipient(s) of the goods or services and the recipient’s relationship to the agency’s regulatory authority.
3. The anticipated dates of delivery of the goods or services.
4. The approximate amount and form of the compensation to be received by the official.
5. A statement by the official explaining why the proposed sale of goods or services will not create a conflict of interest, a situation where the official’s neutrality in the performance of the official’s employment duties might thereafter be reasonably questioned, or the appearance of any other impropriety.

621—13.5(68B) Consent or denial.

13.5(1) *Who may consent or deny.* The agency's officials not joining in the application will consider the application and consent to or deny it by majority vote, a tie vote being deemed a denial of the application. The officials entitled to vote on the application may require the submission of additional information prior to taking action on the application.

13.5(2) *Timing and content of consent or denial.* Written consent to or denial of the application will be issued within 14 days following the date of its filing or the receipt of the additional information submitted pursuant to subrule 13.5(1). If the application is denied, the denial will state the reasons therefor.

13.5(3) *Effect of consent.* Any consent granted is valid only for the activity and time period described in it and only to the extent that all material facts have been disclosed and the actual facts are consistent with those set forth in the application. Consent may be revoked at any time upon written notice to the official.

621—13.6(68B) Public information. The application and the resulting consent or denial thereof are public records, open for public examination, except to the extent that disclosure of details would constitute a clearly unwarranted invasion of personal privacy or trade secrets and the record is exempt from disclosure under Iowa law.

621—13.7(68B) Effect of other laws. Neither these rules nor any consent provided under them constitutes consent for any activity which would constitute a conflict of interest at common law or which violates any applicable statute or rule. Despite agency consent, a sale of goods or services to an individual or entity subject to the jurisdiction of the agency may violate, for example, the gift law or bribery and corruption laws. It is the responsibility of the official to ensure compliance with all applicable laws and to avoid both impropriety and the appearance of impropriety.

These rules are intended to implement Iowa Code section 68B.4.

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